



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,320	03/14/2001	Hideo Okada	55676(551)	3875

21874 7590 04/20/2005
EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

YODER III, CHRISS S

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,320

Applicant(s)

OKADA, HIDEO

Examiner

Chriss S. Yoder, III

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 11-16 is/are allowed.
- 6) ☒ Claim(s) 5-10, 17, 18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 19 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/04, 12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 21 is objected to because of the following informalities:

Claim 21 recites the limitation, "said medium insertion prevention mechanism is configured so as to be reset during said reconditioning so as to allow insertion of another recording medium" in lines 1-3. This limitation is not present in claim 20, from which claim 21 depends, therefore, the examiner believes that claim 21 should depend from claim 13, and will be examined as understood by the examiner.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 5-10, 17-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiro (US Patent # 4,511,932) in view of Murata et al. (US Patent # 5,627,587).
2. In regard to claim 5, note Ushiro discloses the use of a video camera provided with a non-solid state recording medium for recording (column 1, lines 11-14), an optical

Art Unit: 2612

system for taking an image of an object (column 1, lines 65-67; and figure 1: 4-5), a mechanical portion for writing record information onto said recording medium (column 2, lines 25-35), an external input portion for input operation by a user (column 2, lines 1-5; and figure 1: 7-8), and a cabinet for containing said recording medium, said optical system, said controlling portion, and said external input portion (column 1: line 61; and figure 1: 1).

Therefore, it can be seen that the Ushiro device lacks the use of a controlling portion for controlling recording of the image, a battery, an opening detecting portion detecting formation of an opening in said cabinet for removal of said recording medium, and a current stop function portion stopping current supply from said battery to at least one of said mechanical portion, controlling portion and optical system when said opening detecting portion detects formation of said opening.

Murata discloses the use of a controlling portion for controlling recording of the image (column 3, lines 48-50; figure 4: 60), a battery (column 4, lines 15-20), an opening detecting portion detecting formation of an opening in said cabinet for removal of said recording medium (column 3, lines 15-23; the cover 22 is detected open by detector 26) and a current stop function portion stopping current supply from said battery to at least one of said mechanical portion, controlling portion and optical system when said opening detecting portion detects formation of said opening (column 3, lines 60-67; if the sensor, 26, detects that the case is open, photography is inhibited by disabling the control portion from recording information). Murata teaches that the use of and opening detection means and a current stop function are preferred in order to stop

Art Unit: 2612

the camera from recording if the recording medium is not present (column 3, lines 60-67).

Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the Ushiro camera to include the use of a controlling portion for controlling recording of the image, a battery, an opening detecting portion detecting formation of an opening in said cabinet for removal of said recording medium, and a current stop function portion stopping current supply from said battery to at least one of said mechanical portion, controlling portion and optical system when said opening detecting portion detects formation of said opening as suggested by Murata.

3. In regard to claim 6, note Murata discloses the use of a display portion (figure 2: 32), a recording capacity detecting portion for determining a remaining capacity of said recording medium (column 4, lines 9-15), and a take-up instruction displaying portion for displaying an instruction to take out said recording medium onto said display portion when said recording capacity detecting portion determines that the remaining capacity of said recording medium is zero (column 4, lines 9-15).

4. In regard to claim 7, note Murata discloses the use of a usage inhibit displaying means for displaying to a user onto said display portion an indication that usage of said video camera is inhibited when said opening is detected by said opening detecting portion (column 3, lines 60-67).

5. In regard to claim 8, note Ushiro discloses that the cabinet includes a body portion of a casing of said video camera (figure 1: 1), and a cover portion integrally formed with said body portion (figure 1: 10), and said cover portion is opened to form

Art Unit: 2612

said opening (column 2, lines 4-5). Therefore, it can be seen that the Murata device lacks the use of a resin material to form the body and cover. Official Notice is taken that the concept and the advantages of using of a resin material to form the body and cover are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the Murata camera to include the use of a resin material to form the body and cover in order to more easily shape the material and to make the device lightweight.

6. In regard to claim 9, note Murata discloses that a feature is formed at a boundary of said body portion and said cover portion, said boundary being configured so said cover resin portion is detached from said resin body portion along the boundary (figure 3B: the gap between portions 34 and 22; and the cover portion is not attached to the body portion at all as seen in figure 3B).

7. In regard to claim 10, note Murata discloses that a linear groove is formed along said feature (figure 3B: the gap between portions 34 and 22).

8. In regard to claim 17, note Ushiro discloses that the non-solid state recording medium is a magnetic tape (column 1, lines 11-14).

9. In regard to claim 18, note Murata discloses that the current stop function is configure so as to stop current from to prevent subsequent usage to the camera by the user (column 3, lines 60-67; if the sensor, 26, detects that the case is opened, photography is inhibited by disabling the control portion from recording information).

10. In regard to claim 20, note the primary reference of Ushiro in view of Murata discloses the use of a video camera as claimed in claim 5 above. Although the primary

Art Unit: 2612

reference does not explicitly disclose that the camera is arranged so as to be reusable and reconditioned by on other than the user following a use of the video camera, it is inherent that any number of user can use the camera (the new user supplying the camera with a new video cassette is consider to be the reconditioning).

11. In regard to claim 22, note Murata discloses that said cabinet includes a body resin portion of a casing of said video camera (figure 3B: 34), and a cover resin portion integrally formed with said body resin portion (figure 3B: 22), said cover resin portion and said body resin portion are configured and arranged so that said cover resin portion is detachable from the said body resin portion (figure 3A: 22 and 34; this figure shows the detachment of the cover 22), and the detachment of the cover resin portion from the body resin portion forms the opening in said cabinet being detected by said opening detecting portion (figure 3A-3B: 22, 26, and 34; when the cover 22 is opened, the detecting portion 26 detect that the cover is detached).

Allowable Subject Matter

12. Claims 19 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. As for claim 19, the prior art does not teach or fairly suggest the use of a video camera having a current stop function that stops the flow current even when the user inserts another non-solid state recording medium.

Art Unit: 2612

14. As for claim 23, the prior art does not teach or fairly suggest the use of a video camera having an opening detection portion and a current stop portion that limit the camera to one recording medium.

15. Claims 1-4 and 11-16, and 21 are allowed.

16. The following is an examiner's statement of reasons for allowance:

17. As for claim 1, the prior art does not teach or fairly suggest the use of a video camera having a medium detecting portion detecting ejection of said recording medium and a medium insertion preventing mechanism preventing re-insertion of said recording medium after the ejection of the medium has been detected.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2612

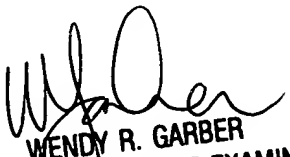
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
April 5, 2005


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600